

**SHB 1496** - S AMD 602

By Senators Kohl-Welles and Parlette

ADOPTED 4/19/05

Strike everything after the enacting clause and insert the following:

1       **Sec. 1.** RCW 66.16.040 and 2004 c 61 s 1 are each amended to read  
2 as follows:

3       Except as otherwise provided by law, an employee in a state liquor  
4 store or agency may sell liquor to any person of legal age to purchase  
5 alcoholic beverages and may also sell to holders of permits such liquor  
6 as may be purchased under such permits.

7       Where there may be a question of a person's right to purchase  
8 liquor by reason of age, such person shall be required to present any  
9 one of the following officially issued cards of identification which  
10 shows his/her correct age and bears his/her signature and photograph:

11       (1) Liquor control authority card of identification of any state or  
12 province of Canada.

13       (2) Driver's license, instruction permit or identification card of  
14 any state or province of Canada, or "identocard" issued by the  
15 Washington state department of licensing pursuant to RCW 46.20.117.

16       (3) United States armed forces identification card issued to active  
17 duty, reserve, and retired personnel and the personnel's dependents,  
18 which may include an imbedded, digital signature in lieu of a visible  
19 signature.

20       (4) Passport.

21       (5) Merchant Marine identification card issued by the United States  
22 Coast Guard.

23       (6) Enrollment card issued by the governing authority of a  
24 federally recognized Indian tribe located in Washington, if the  
25 enrollment card incorporates security features comparable to those  
26 implemented by the department of licensing for Washington drivers'  
27 licenses. At least ninety days prior to implementation of an  
28 enrollment card under this subsection, the appropriate tribal authority  
29 shall give notice to the board. The board shall publish and

1 communicate to licensees regarding the implementation of each new  
2 enrollment card.

3 The board may adopt such regulations as it deems proper covering  
4 the cards of identification listed in this section.

5 No liquor sold under this section shall be delivered until the  
6 purchaser has paid for the liquor in cash, except as allowed under RCW  
7 66.16.041. The use of a personal credit card does not rely upon the  
8 credit of the state as prohibited by Article VIII, section 5 of the  
9 state Constitution.

10 **Sec. 2.** RCW 70.155.090 and 1993 c 507 s 10 are each amended to  
11 read as follows:

12 (1) Where there may be a question of a person's right to purchase  
13 or obtain tobacco products by reason of age, the retailer, sampler, or  
14 agent thereof, shall require the purchaser to present any one of the  
15 following officially issued identification that shows the purchaser's  
16 age and bears his or her signature and photograph: (a) Liquor control  
17 authority card of identification of a state or province of Canada; (b)  
18 driver's license, instruction permit, or identification card of a state  
19 or province of Canada; (c) "identocard" issued by the Washington state  
20 department of licensing under chapter 46.20 RCW; (d) United States  
21 military identification; (e) passport; (f) enrollment card, issued by  
22 the governing authority of a federally recognized Indian tribe located  
23 in Washington, that incorporates security features comparable to those  
24 implemented by the department of licensing for Washington drivers'  
25 licenses. At least ninety days prior to implementation of an  
26 enrollment card under this subsection, the appropriate tribal authority  
27 shall give notice to the board. The board shall publish and  
28 communicate to licensees regarding the implementation of each new  
29 enrollment card; or (g) merchant marine identification card issued by  
30 the United States coast guard.

31 (2) It is a defense to a prosecution under RCW 26.28.080((+4))  
32 that the person making a sale reasonably relied on any of the  
33 officially issued identification as defined in subsection (1) of this  
34 section. The liquor control board shall waive the suspension or  
35 revocation of a license if the licensee clearly establishes that he or  
36 she acted in good faith to prevent violations and a violation occurred  
37 despite the licensee's exercise of due diligence.

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4 On page 1, line 2 of the title, after "tribes;" strike the  
5 remainder of the title and insert "amending RCW 66.16.040 and  
6 70.155.090."

6 Renumber the sections consecutively and correct any internal  
7 references accordingly.

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**EFFECT:** Enrollment cards issued by the governing authority of a Federally recognized Indian tribe located in Washington may be used as identification for the purchase of alcohol or tobacco.

The enrollment card must incorporate security features comparable to those implemented by the department of licensing for Washington drivers' licenses. The tribe must give the liquor control board at least 90 days notice of intent to use the tribal enrollment card for the purpose of purchasing alcohol or tobacco. The liquor control board will notify licensees of the approved tribal enrollment card.

Eliminates the reference to permitting the use of tribal enrollment cards for the purpose of voter registration.